IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: William J. Curatolo, et al.

SERIAL NO.: 09/770,562 : Examiner: B. Fubara
: Art Unit: 1618

FILED: January 26, 2001 :

FOR: Solid Pharmaceutical Dispersions
With Enhanced Bioavailability

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

RESPONSE TO FINAL OFFICE ACTION

This is in response to the Office Action mailed on December 26, 2006 in the above-identified application, the term for response having been extended three (3) months to June 26, 2007 by including the appropriate fee and petition herewith.

A current claim summary is appended hereto, starting on its own separate sheet.

Remarks

As a preliminary matter, attention is directed to the Rule 131 Declaration of James A. S. Nightingale submitted herewith, as further discussed below. It is also noted that a Request for Continued Examination (RCE) has been filed herewith.

Claims 1 and 15 have been amended to state that, in Applicants' claimed composition, the dispersion consists essentially of a sparingly water-soluble drug and hydroxypropylmethylcellulose acetate succinate (HPMCAS) in which the drug is molecularly dispersed and amorphous. Support is in the specification at paragraph [0020], first three lines. Such dispersions may, for example, also contain excipients and other materials as explained and disclosed in paragraphs [0050] - [0052]. In addition to the requirement that the drug be molecularly dispersed and amorphous in the dispersion, the amendment further highlights the fact that a composition containing, for example, significant amounts of crystalline drug, is not within the scope of Applicants' claims.